

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2011-092156

09/13/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
L. Mitchell
Deputy

IN RE THE MARRIAGE OF
DENNIS ASHBY

RODNEY M MATHESON

AND

SHARON ASHBY

ROBERT C BILLAR

MINUTE ENTRY

Courtroom 405 - SEA

11:30 a.m. This is the time set for Resolution Management Conference.
Petitioner/Husband, Dennis Ashby, is present and represented by counsel, Rodney Matheson.
Respondent/Wife, Sharon Ashby, is present and represented by counsel, Robert C. Billar.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed Petitioner's Emergency Motion to Sell Equipment and Respondent's Motion for Sanctions for Failure to Provide Documents and Refusing to Answer Questions Pursuant to Rule 60. The Court will treat Respondent's motion as a motion to produce.

Counsel present their respective clients' positions.

IT IS ORDERED granting Petitioner's Emergency Motion to Sell Equipment.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2011-092156

09/13/2012

Let the record reflect that a civil standby shall be arranged for Husband to retrieve his sole and separate property/equipment acquired prior to the marriage currently located on Wife's property.

Discussion continues.

IT IS ORDERED granting Respondent's motion to produce.

IT IS FURTHER ORDERED that Mr. Billar is granted leave to submit 20 non-standard interrogatories regarding the credit report issue.

TRIAL SET

IT IS ORDERED setting this matter for **Trial** on **January 14, 2013 at 9:00 a.m.** (time allotted: 3 hours) before the Honorable Paul McMurdie at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 405
222 E. Javelina Avenue
Mesa, AZ 85210

JOINT PRETRIAL STATEMENT

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 6.5, Local Rules of Practice – Maricopa County (Domestic Relations Cases), no later than January 7, 2013.

IT IS FURTHER ORDERED that both parties submit the following attachments to the Joint Pretrial Statement:

1. A current Affidavit of Financial Circumstances in accordance with Local Rule 6.4(b), accompanied by copies of federal income tax returns for the past two years along with W-2 or 1099 forms and copies of the last four pay stubs.
2. A current Parent's Worksheet for Child Support Amount pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2011-092156

09/13/2012

4. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one page statement of all property except personal property items valued at less than \$500.00 each. If division of the marital residence is at issue at trial, the party seeking to be awarded the marital residence shall offer as an exhibit at trial the true and accurate legal description of the property.
5. A list of debts with balances.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure, and Local Rule 6.6, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 405 **no later than 11:00 a.m. on January 7, 2013 with a coversheet listing the description of the exhibits. All exhibits must be clearly identified, separated by a COLORED sheet.** All exhibits must be hand-delivered to Courtroom 405. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party.

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2011-092156

09/13/2012

which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule XII(b), Uniform Rules of Practice, and Maricopa County Local Rules 2.10(b) and 3.6(c).

The Court notes that if either party fails to appear at trial, default judgment may be entered against him or her and/or the matter may proceed at that time to trial or to a default judgment hearing under Rule 55(b)(2).

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before December 14, 2012.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than December 14, 2012.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2011-092156

09/13/2012

exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

11:37 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.